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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LABAZE, EDWYN

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/039,048

Applicant(s)

CRISAN, ADRIAN

Examiner

EDWYN LABAZE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 21-24 and 26-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 21-24 and 26-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Receipt is acknowledged of amendments filed on 8/16/2004.
2. Claims 1-15, 21-24, and new claims 26-37 are presented for examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Strauch et al. (U.S. 5,861,823).

Re claim 1: Strauch et al. discloses data entry device having multifunction keys, which includes, a key 14 having a first data entry value [herein described as a primary character 32] associated with depressing the key (col.3, lines 30+); the key 14 having additional discrete data entry values, a first one or more of the additional discrete data entry values being associated with deflecting the key 14 in a predetermined direction and a second one or more of the additional discrete data entry values [such as a secondary character 32] being associated with simultaneously depressing and deflecting the key in the predetermined direction (col.2, lines 38-62; col.4, lines 1-40); the key 14 having a user readable indication of the first data entry value and each of the one or more additional discrete data entry values; and where the key is adapted for being depressed or deflected by a human fingertip (col.5, lines 51+).

Re claim 2: Strauch et al. teaches an apparatus and method, wherein the first data entry value is a numeric data and the one or more additional discrete data entry values comprise alphabetic data values (col.2, lines 59+).

Re claims 3-4: Strauch et al. discloses an apparatus and method, wherein the first one or more of the additional data entry values are each associated with a predetermined and/or adjustable zone around a periphery [herein described as the edge or corners of the primary key] of the key (as shown in figs. # 1, 4-5; col.5, lines 13-55; col.6, lines 60-67; col.7, lines 5+).

Re claims 5-6: Strauch et al. teaches an apparatus and method, further comprises a controllable display 12 around the periphery of key 14 (as shown in figs. # 1 & 4); and wherein the display is an LCD (col.3, lines 24+; col.4, lines 17-40).

Re claim 7: Strauch et al. discloses an apparatus and method, wherein the number of predetermined zones 88 is user selectable (as shown in fig. # 5; col.5, lines 33+).

Re claims 8-11: Strauch et al. teaches an apparatus and method, wherein the key 14 is either square, circular, hexagonal, or octagonal [herein Strauch et al. discloses that a pentagonal, hexagonal, octagonal, trapezoidal or other geometric shapes can be employed; i.e.; it would be an obvious to one skilled in the art to have the shape of the key to either square, circular] and the predetermined directions are four, six, or eight (col.5, lines 56+; col.6, lines 10-20).

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 12-15, 21-24, and 26-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Hirshberg (U.S. 6,597,345).

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Re claim 12, 26, 29-31, 37: Hirshberg discloses multifunctional keypad on touch screen, which includes a plurality of keys 100, each key having a first data entry value associated with depressing the key; each key having one or more additional discrete data entry values [such as 204/300, 302, 202/306 as shown in figs. # 1 & 2a] associated with deflecting the key in a predetermined direction/zone (5, lines 42+; col.6, lines 10+); and each key having a user readable indication of the first data entry value [such as a numeric value] and each of the one or more additional discrete data entry value [such as an alphabetic value; as shown in figs. # 1 & 2a]; and a plurality of the user readable indications having alphabetic characters arranged in positions relating to a QWERTY keyboard (as shown in fig. # 6; col.9, lines 18+). Hirshberg further discloses a multifunctional key having a central portion and a plurality of peripheral portions wherein each of the peripheral portions is movable [herein described as tilting the finger to a desired/selected position/directions; such as up, down, left, and right] to reference a different one of the plurality of discrete data entry values (col.5, lines 37+). Hirsberg, further discloses means of defining a first, second, and third data zones that are actuated when the hardware {as disclosed in col.6, lines 1+} key is depressed, deflected, and depressed, respectively, wherein the first 300, second 302, and third 304 data zones corresponds to discrete data entry values (col.6, lines 10+); generating a display 20 that includes a user readable indication corresponding to the discrete data entry (col.5, lines 30+).

Re claim 13: Hirshberg teaches an apparatus and method, wherein the plurality of keys is a 12-key telephone numeric keypad (as shown in fig. # 1).

Re claims 14-15: Hirshberg discloses an apparatus and method, wherein the plurality of keys a three-key [herein discloses as a 3-way key] watch pad or handheld computer [herein

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referred as a mobile device {such as a PDA, Palm Pilot} with a processor 12 see col.4, lines 35-67] (col.5, lines 35+; col.10, lines 37+).

Re claims 27-28: Hirshberg teaches an apparatus and method, wherein the key or at least two portions is/are pivotable [herein Hirshberg discloses means of tilting the key in different positions, as exemplified above in claim 12. The applicant, in the specifications, does not provide a clear difference between the movable means and the pivotable means of the keys. Although close and related by definition, a pivotable means is a means of rotating around a central point such as a joystick while a movable means is a physical displacement from one point to another one. As broadly claimed and not specifically defined/differentiate in the specifications, the examiner is broadly considering both, the pivotable and movable means as applicable and disclosed by Hirshberg] between the central portion and the peripheral portions (col.5, lines 37+).

Re claims 32-34: Hirshberg discloses an apparatus and method, wherein at least two portions of the keys are simultaneously/instantaneously depressible to reference an additional one of the plurality of discrete data values (col.4, lines 65+), wherein the at least two portions are disposed adjacent one another of the keys; and wherein the at least two portions are the central and a one of the plurality of the peripheral portions of the one of the keys (see figs. # 2a, 2b, 9-10).

Re claim 35: Hirshberg teaches an apparatus and method, wherein at least one of the central portions and the one of the peripheral portions are sequentially movable to reference a one of the plurality of discrete data values (col.6, lines 40+).

Re claim 36: Hirshberg discloses an apparatus and method, referencing a first alphanumeric character [such 204/300, 302, 202/306 as shown in figs. # 1 & 2a] in response to

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actuation of a first portion of a key (5, lines 42+; col.6, lines 10+); referencing a second alphanumeric character in response to actuation of a second portion of the key; and referencing a third alphanumeric character in response to cooperative actuation of both the first and second portions of the key (col.6, lines 40+).

Re claims 22-24: Hirshberg teaches an apparatus and method, performing a test [as broadly interpreted and understood by the examiner, a “test” is disclosed in the specifications of the claimed invention in paragraphs 0047-0049 as a user selection of a data zone, wherein the software is to respond and display a user selection. Hirshberg, herein discloses a software incorporated with the teachings and means of displaying a result of a user selection or text entry from the keypad] to determine if the at least one additional data zone is capable of being effectively actuated; and wherein an acceptable result produced by the test indicates that the second or third data zone is capable of being effectively actuated and an unacceptable result produced by the test indicates that the second or third data zone is not capable of being effectively actuated (col.5, lines 30+); and means of selecting a different number of data zones if the test produces an unacceptable and/or acceptable result [i.e. when an error occurs]; and repeating performing the user selection test (col.6, lines 20-67; col.7, lines 1+).

Response to Arguments

6. Applicant's arguments with respect to claims 1-15, 21-24, 26-37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Krishnan (U.S. 6,377,685) discloses cluster key arrangement.

Abe teaches keyboard.

Ballard (U.S. 6,727,916) discloses method and system for assisting a user to engage in a microbrowser-based interactive chat session.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el
Edwyn Labaze
Patent Examiner
Art Unit 2876
October 20, 2004



KARL D. FRECH
PRIMARY EXAMINER